

REMARKS

This is a response to the Final Office Action dated May 5, 2008. Claims 1-28 were previously canceled. Claim 29 is canceled herein. Claims 30-47 are pending. Claim 30 is currently amended. Claims 33-47 are new. Claims 30-33 and 47 are independent claims. New claim 47 recites subject matter previously recited in canceled claim 28 and indicated to be allowable.

In the Final Office Action, the examiner objected to claims 29 and 30 because of an alleged informality. The examiner rejected claim 29 under 35 U.S.C. § 112 for lack of antecedent basis. The examiner further rejected claims 29-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent number 6,249,320 (Schneidewend).

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action.¹ Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

I. Claim Objection, Claims 29 and 30

The examiner objected that claim 29, line 6 and claim 30, line 4 amend “an” to recite “the.” Claims 29 is cancelled, making the object moot with regard to claim 29. Claim 30 as amended is believed to overcome the examiner’s objection.

II. Section 112 Claim Rejection, Claim 29

Claim 29 is cancelled and therefore the rejection under 35 U.S.C. § 112 is moot.

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome the present rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future. Further, Applicants do not necessarily agree with or acquiesce to the Examiner’s characterizations of the scope and meaning of their claims.

III. Section 102(e) Claim Rejections, Claims 29-32

The examiner rejected claims 29-32 under 35 U.S.C. § 102(e) as being anticipated by Schneidewend. Claim 29 is cancelled. However, claim 33 includes at least in part certain subject matter previously recited in claim 29. For at least the reasons set forth below, Schneidewend does not anticipate claims 30-33.

A. Independent Claims 30-32

Claim 32 recites “a first channel control switch to navigate sequentially a first sequence of anchor channels; and a second channel control switch to navigate one or more channels multiplexed with an anchor channel.” Thus, each “control switch” of claim 32 is used to “navigate sequentially a . . . sequence of . . . channels.” At a minimum, Schneidewend nowhere teaches or suggests that “a . . . sequence of . . . channels” is navigated.

The Examiner asserted that Schneidewend discloses the subject matter of claims 30-32 because the reference discloses channel control switches. However, the cited portions of Schneidewend all discuss at most switching between columns and rows of a program guide table. (See Schneidewend, Figs. 11-13, col. 11, line 64 - col. 12, line 34.) Schneidewend’s program guide is plainly no more than a table of information, and does not in any way include actual channels. (Schneidewend, Figs. 12-13.) Moreover, Schneidewend does not at all teach or suggest any mechanism to “navigate sequentially a . . . sequence of . . . channels.” Further, Schneidewend cannot, therefore, teach or suggest the recited “first channel control switch” and “second channel control switch.”

For at least the foregoing reasons, claim 32 is patentable over Schneidewend. For similar reasons, claims 30-31 are also patentable over Schneidewend.

B. Independent Claim 33

1. “providing a set of channels; displaying a first anchor channel from the set of channels when selected”

Independent claim 33 recites in part “providing a set of channels” and “displaying a first anchor channel from the set of channels when selected.” Schneidewend does not teach or suggest at least “displaying a first anchor channel . . . when selected.” At most, Schneidewend discloses displaying text in a program guide that includes information about “major and minor channel[s].”

(Schneidewend, col. 1, lines 17-20). When Schneidewend's program guide representation of a major channel is selected, it only allows program guide representations of the associated minor channels to be seen. (Schneidewend, col. 12, lines 8-20; fig. 11, steps 1140 and 1145.) The anchor channels themselves cannot be selected for display. (*Id.*) Therefore, since Schneidewend does not teach or suggest "displaying an anchor channel when selected," Schneidewend also cannot teach or suggest "indicating that said selected anchor channel is an anchor channel" once the channel is selected. At most, Schneidewend indicates that the channel is a "major" channel only by presenting major and minor channels in different columns on his program guide grid. (Schneidewend, col. 11, lines 37-48; figures 12-13.) Clearly, displaying major and minor channels in different columns in a grid in no way teaches or suggests actually "displaying a first anchor channel from the set of channels when selected," as recited in claim 33.

For at least the foregoing reasons, independent claim 33 is patentable over Schneidewend.

2. "superimposing the first indication over the display of the first anchor channel"

Because Schneidewend cannot display a first anchor channel when it is selected, Schneidewend can in no way teach or suggest "superimposing the first indication over the display of the first anchor channel," as is further recited in independent claim 33. As discussed above, Schneidewend at most teaches an indication of the anchor channel in a program grid (Schneidewend, figs. 12-13), which is quite different than "superimposing the first indication over the display of the first anchor channel." For at least this further reason, independent claim 33 is patentable over Schneidewend.

3. "including with the first indication a second indication"

Because Schneidewend does not teach "superimposing the first indication over the display of the first anchor channel," it certainly cannot teach or suggest "including with the first indication a second indication." For at least this further reason, claim 33 is patentable over Schneidewend.

4. "receiving a first command to select from the second indication a first multiplex channel"

Claim 33 further recites in part "receiving a first command to select from the second indication a first multiplex channel." As stated above, Schneidewend does not teach or suggest "displaying an anchor channel . . . when selected," "superimposing the first indication over the

display of the first anchor channel,” or “including with the first indication a second indication.” Moreover, because Schneidewend does not teach or suggest any superimposed indication, much less the recited “second indication,” Schneidewend further cannot teach or suggest “to select from the second indication.” At most, Schneidewend teaches selecting a channel from the program guide grid (Schneidewend col. 3, lines 37-41). For at least this further reason, claim 33 is patentable over Schneidewend.

5. “performing at least one of . . .”

Claim 33 further recites:

performing at least one of:
switching between multiplex channels associated with an anchor channel from the set of channels using commands of the same type as the first command;
switching between anchor channels from the set of channels using commands of the same type as the second command; and
switching from a multiplex channel associated with one anchor channel from the set of channels to a different anchor channel from the set of channels through a command of the same type as the second command.

As set forth below, claim 33 is patentable over Schneidewend for the further reason that the reference does not teach or suggest performing any of the foregoing recited steps.

a. “switching between multiplex channels”

Schneidewend does not teach or suggest “switching between multiplex channels” as recited in claim 33. Schneidewend instead teaches away from “switching between multiplex channels” by disclosing that the channels are only accessible through a program guide (See Schneidewend, col. 4, lines 43-46; Figs. 11-13). Schneidewend does not teach or suggest any other mechanism for accessing the multiplex channels.

b “switching between anchor channels”

As stated above, Schneidewend does not teach or suggest selecting an anchor channel for display, and at most discloses displaying representations of anchor channels in a program guide. Therefore, Schneidewend cannot possibly teach or suggest “switching between anchor channels.” For at least this further reason, claim 33 is patentable over Schneidewend.

c. “switching from a multiplex channel associated with one anchor channel . . . to a different anchor channel”

As stated also above, Schneidewend teaches neither selecting an anchor channel for display nor switching between channels. Therefore Schneidewend cannot teach or suggest “switching from a multiplex channel . . . to [an] anchor channel.” As stated above, Schneidewend teaches at most selecting a minor channel for display, or switching between columns and rows on a program guide grid. Schneidewend this in no way teaches or suggests “switching from a multiplex channel associated with one anchor channel . . . to a different anchor channel.”

For at least the further foregoing reasons, claim 33 is patentable over Schneidewend.

IV. Dependent Claims 34-46

Because independent claims 30-33 are patentable over Schneidewend, dependent claims 34-46, which depend variously on claims 30-33, are also patentable over Schneidewend. Further, claims 34, 36, 37, 41, 42, 44, and 45 are separately patentable at least for the reasons set forth below.

A. Claims 34, 41 and 44

Claim 34 depends from independent claim 33. As such, claim 34 is patentable over Schneidewend. Claim 34 further recites “the first indication is at least one icon representing the content of a selected anchor channel from the set of channels, and the second indication is at least one icon representing the content of at least one multiplex channel associated with the selected anchor channel.” However, as stated above, Schneidewend does not teach or suggest superimposed indications. Therefore, Schneidewend cannot teach that the “the first indication is at least one icon . . . and the second indication is at least one icon . . .”

For at least this further reason, claim 34 is patentable over Schneidewend. Claims 41 and 44 are similarly patentable over Schneidewend.

B. Claims 36, 37, 42 and 45

Claim 36 depends on independent claim 33. Claim 37 depends on claim 36. As such, both claims are patentable over Schneidewend. Claim 36 further recites “including a descriptor as part of one of the first indication, the second indication, and a third indication, the third indication being

superimposed over the display.” Claim 37 further recites that “said descriptor indicates the geographic origination of a displayed channel.” As stated above, Schneidewend does not teach or suggest superimposed indications. Therefore, Schneidewend cannot teach “including a descriptor as part of the first or second indication, or as a third indication superimposed over the display” (claim 36) or that the “descriptor indicates the geographic origination of a displayed channel” (claim 37).

For at least these further reasons, claims 36 and 37 are patentable over Schneidewend. Likewise, claims 42 and 45 are patentable over Schneidewend.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013, under order number 65632-0151. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Dated: July 7, 2008

Respectfully submitted,

Electronic signature: /Glenn E. Forbis/
Charles A. Bieneman
Registration No.: 51,472
Glenn E. Forbis
Registration No.: 40,610
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 25537
Attorney for Applicant